

Jeremy Thiesfeldt

STATE REPRESENTATIVE • 52nd ASSEMBLY DISTRICT

Testimony for AB 285

December 15, 2011

Chairman Ott and committee members. It is not too often that you have a very short bill but with profound impact for local governments. I bring this bill forward primarily because it will give local municipalities more tools to manage their budgets and put the financial burden of those committing violations to pay for the services they create.

The purpose of AB 285 is to raise the permissible fee threshold for municipal court offenders by \$10 to help offset the costs the court incurs. This bill would increase the maximum filing fee in a municipal court action from \$28 to \$38 when the court finds that the party has violated an ordinance. Of that fee, \$5 is forwarded to the Department of Administration and the municipality retains the balance. The last time this fee was changed was in 2005.

First, though this fee was only changed 6 years ago there is a great need to increase that permissible fee again. With the new property tax caps on municipalities this is another tool to offer our municipal governments to balance budgets without drastic reductions in services elsewhere.

Second, I believe that the most important part of this proposal is that the fee increase will put more of the court funding burden on the perpetrators/offenders and not the taxpayers in general.

Third, each municipality would still reserve the right to keep their fees the same or increase them. This bill simply allows municipalities to increase them and doesn't mandate that they will. I have heard from numerous judges that the fee does not come close to covering the costs of each case. I am confident that the municipal judges that are here today will also provide other detailed examples of the need for this permissible fee increase.

Fourth, this bill will also keep municipal courts accessible legal venues for our citizens. Even with this proposed allowable increase the costs for a case in municipal court would still be significantly lower than the costs for a case that might be sent to circuit court. For example even with the proposed \$10 court cost increase an average speeding ticket would be \$98.80 in municipal court and \$160.80 or higher in circuit court.

Fifth, municipal courts free the circuit courts from caseloads that are best served at the municipal level. For example, municipal courts handle most of the juvenile cases involving truancy, retail theft, disorderly conduct, damage to property, underage possession and consumption of alcohol, and many other juvenile violations. Circuit courts do not have the time or resources to deal with those types of cases and have to focus on the habitual juvenile offenders and violent types of crimes. Without municipal courts many of the juvenile cases would fall through the cracks of the legal system. If those cases are ignored or not adequately addressed by the legal system, it often leads to more serious crimes down the road.

Sixth and finally, though this is only a possible small increase of \$10, 2009 WI Act 17 requires that indigent defendants have the opportunity to arrange for an installment plan for the payment of any court judgments or fees to ensure that they do not face driver's license revocation or imprisonment for the failure to pay. Thank you for your time.

Serving the City of Fond du Lac and the Communities of North Fond du Lac, Eldorado, Taycheedah and Friendship



MID-MORaine MUNICIPAL COURT
ADMINISTRATIVE COMMITTEE

SERVING COMMUNITIES IN WASHINGTON & OZAUKEE COUNTIES

PAGE 1 OF 3

DATE: December 12, 2011

FAX TO: Representative Jeremy Thiesfeldt (608-282-3652)

FROM: Kathleen Buth, Municipal Court Clerk

RE: AB285 - PUBLIC HEARING
Committee on Judiciary and Ethics

Please see the attached letter from the Mid-Moraine Municipal Court Administrative Committee.
Feel free to use or read at the hearing regarding AB285 on Thursday, December 15.

If you have any questions or need more information, please contact me at 262-334-5700,
extension 102.

Thank you.

A handwritten signature in black ink, appearing to read 'Kathleen Buth', written over the 'Thank you.' text.



MID-MORaine MUNICIPAL COURT
ADMINISTRATIVE COMMITTEE

SERVING COMMUNITIES IN WASHINGTON & OZAUKEE COUNTIES

October 21, 2011

Representative Dan Knodl
Representative Dan LeMahieu
Representative Jim Ott
Representative Don Pridemore
Representative Pat Strachota
Representative Duey Stroebel

Senator Alberta Darling
Senator Glenn Grothman
Senator Rich Zipperer

RE: Assembly Bill 285

Dear Representatives and Senators:

This letter is a follow up to a letter sent to you on October 3 regarding our request for your support of 2011 Assembly Bill 285. At our most recent budget meeting, AB 285 was discussed. The undersigned committee members reaffirmed the importance of the proposed bill and again request that you support the passage of 2011 Assembly Bill 285.

As you are aware, the Mid Moraine Municipal Court serves as the municipal court for a majority of the municipalities in Ozaukee and Washington Counties. The court is one of the largest multi-jurisdictional municipal courts in the State, resolving over 20,000 citations yearly. The court handles a wide variety of citations including minor drug offenses, drunken driving cases, traffic infractions and juvenile matters. The court has grown to its current size of 16 communities with the addition of the City of Mequon in 2011. Our court has become the model for other multi-jurisdictional courts in the State as courts such as ours provide substantial cost savings to municipalities, defendants, law enforcement agencies and the tax payers of our communities.

Our communities have found that municipal court is more efficient, more cost effective and more user friendly than Circuit Court. For example, a speeding citation in municipal court may carry a forfeiture of \$88.80 while the identical citation in Circuit Court would carry a forfeiture of \$175.30. Our court meets at each individual municipality, alleviating the need for law enforcement travel to the county seat for court proceedings and providing convenience to court users.

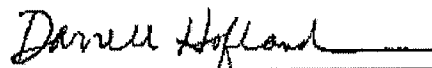
Mid-Moraine Municipal Court
October 21, 2011
Page 2

Our court historically has been funded exclusively by the imposition of a \$28 statutory "court cost" associated with each citation reaching conviction. The proposed AB 285 would raise the maximum court costs to \$38 per citation. Court costs were last raised in 2005. At the current rate of \$28 per citation our court will not meet its goal of being a tax payer neutral operation. However, at \$38 per citation the court will begin again to operate at no cost to the taxpayers of our 16 communities.

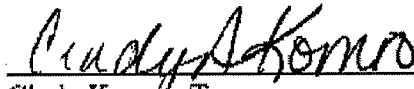
With strong conviction, we believe this legislation is necessary to offset the increased costs associated with providing court services to our communities. Should this legislation pass, the costs associated with adjudicating citations in our court will pass from the taxpayers of our communities to the court users themselves. We believe this legislation is property tax relief, especially in the current times of tax levy freezes. We urge you to support this legislation.

Should you have any questions for our committee, please do not hesitate to contact any of the undersigned.

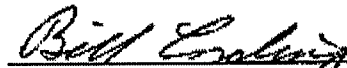
Sincerely,



Darrell Hofland, President
Village of Gralion



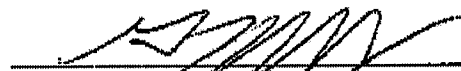
Cindy Komro, Treasurer
Town of Trenton



Bill Cording, Village of Newburg




Mark Grams, City of Port Washington



Gary Koppelberger, City of Hartford



Dianne Robertson, Village of Thiensville



Lee Szyndorowski, City of Mequon



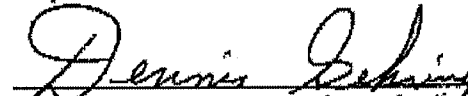
John Walther, Village of Jackson



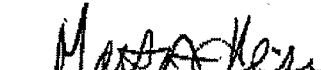
Dawn Wagner, Vice-President
Village of Saukville



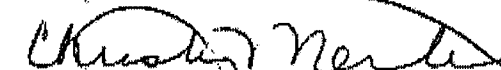
Dennis Melvin, Deputy Treasurer
City of West Bend



Dennis Gehring, Town of Hartford



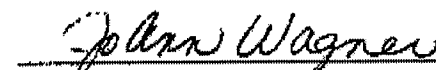
Matt Heiser, Village of Kewaskum



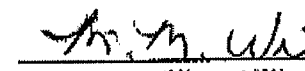
Christy Mertes, City of Cedarburg



David Schornack, Village of Germantown



JoAnn Wagner, Village of Fredonia



Margaret Wilber, Village of Slinger